

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: KENNETH A. DOWNING
AND PAMELA J. DOWNING**

DEBTORS

CHAPTER 7

CASE NO. 08-10015

MOTION TO AVOID LIEN

COME NOW, Debtors, by and through their attorney of record, and request this Honorable Court to issue an order voiding the lien of Discover Bank, Issuer of Discover Card, and in support thereof would show unto the Court as follows, to wit:

1. On the 2nd day of January 2008, Debtors filed bankruptcy and are entitled to protection under the automatic stay.
2. To the extent this lien impairs exempt property; Debtors are entitled to avoidance of said lien.

WHEREFORE, PREMISES CONSIDERED, Debtors move this Honorable Court to order the avoidance of the above lien.

RESPECTFULLY SUBMITTED,

/s/Karen B. Schneller
KAREN B. SCHNELLER, MSB # 6558
ATTORNEY AT LAW
POST OFFICE BOX 417
HOLLY SPRINGS, MISSISSIPPI 38635
(601) 252-3224

CERTIFICATE OF SERVICE

I, Karen B. Schneller, Attorney for Debtors, do hereby certify that I have this day mailed, via electronic delivery or postage prepaid, a true and correct copy of the above and foregoing Motion To Avoid Lien to:

Lester F. Smith, Esq.
721 Avignon Drive,
Bldg 10, Suite D
Ridgeland, MS 39157

Hon. Stephen P. Livingston
Chapter 7 Trustee
P. O. Box 729
New Albany, MS 38652

U. S. Trustee
100 West Capitol Street, Ste 706
Jackson, Mississippi 39269

This the 8th day of January 2008.

/s/Karen B. Schneller

KAREN B. SCHNELLER

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

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AND PAMELA J. DOWNING**

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**CASE NO. 08-
10015**

ORDER AVOIDING LIEN

This matter came on to be heard this day on the motion of Debtors requesting the issuance of an order voiding the lien of Discover Bank, Issuer of Discover Card and it appearing unto the Court as follows, to wit:

1. On the 2nd day of January 2008, Debtors filed bankruptcy and are entitled to protection under the automatic stay.
2. To the extent this judgment impairs exempt property; Debtors are entitled to avoidance of said lien.

IT IS, THEREFORE, ORDERED that the above listed lien is hereby avoided, to the extent that it impairs the Debtors' exemptions.

SO ORDERED this the _____ day of _____, 2008.

DAVID W. HOUSTON, III
U. S. BANKRUPTCY JUDGE

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